

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE PRUDENTIAL INSURANCE	:	
COMPANY OF AMERICA,	:	
	:	
Plaintiff,	:	CIVIL ACTION
v.	:	
	:	
JULIE EISEN, JASON BARNETT,	:	NO. 11-05872
JARED BARNETT, PAUL BARNETT, LORI	:	
BARNETT, and PAUL OWENS,	:	
	:	
Defendants.	:	
	:	

**ORDER**

**AND NOW**, this 15<sup>th</sup> day of *March*, 2012, upon consideration of Defendants Julie Eisen, Jason Barnett, Jared Barnett, Paul Barnett, and Lori Barnett's ("the Barnetts") Motion Pursuant to Federal Rule of Civil Procedure 12(c) for Judgement [*sic*] on the Pleadings (Docket No. 16) and Defendant Paul Owens's ("Owens") Response to and Cross-Motion for Judgment on the Pleadings Or, In the Alternative, Motion for Summary Judgment Pursuant to Federal Rule of Civil Procedure 56 (Docket No. 18), it is hereby **ORDERED** that:

1. Pursuant to Federal Rule of Civil Procedure 12(d),<sup>1</sup> the Barnetts' Motion is converted into a motion for summary judgment, as they have presented and referenced matters outside the pleadings and all parties have been given reasonable opportunity to present all materials pertinent to the Motion;
2. The Barnetts' Motion Pursuant to Federal Rule of Civil Procedure 12(c) for Judgment [*sic*] on the Pleadings (Docket No. 16) and Owens's Response to and Cross-Motion for Judgment on the Pleadings Or, In the Alternative, Motion for

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<sup>1</sup> "If, on motion under Rule 12(b)(6) or 12(c), matters outside the pleadings are presented to and not excluded by the court, the motion must be treated as one for summary judgment under Rule 56. All parties must be given reasonable opportunity to present all the material that is pertinent to the motion." Fed. R. Civ. P. 12(d).

Summary Judgment Pursuant to Federal Rule of Civil Procedure 56 (Docket No. 18) are considered by the Court to be cross-motions for summary judgment under Federal Rule of Civil Procedure 56;

3. The Barnetts' Motion Pursuant to Federal Rule of Civil Procedure 12(c) for Judgment [*sic*] on the Pleadings (Docket No. 16) is **GRANTED**, and Owens's Response to and Cross-Motion for Judgment on the Pleadings Or, In the Alternative, Motion for Summary Judgment Pursuant to Federal Rule of Civil Procedure 56 (Docket No. 18) is **DENIED**;
4. **SUMMARY JUDGMENT IS ENTERED** in favor of the Barnetts and against Owens. The Court further **DECLARES** that the Barnetts are the sole and absolute beneficiaries of the proceeds of Eisen's life insurance policy purchased from Plaintiff Prudential Insurance Company of America ("Prudential").
5. The Court hereby **DIRECTS** Prudential to pay the full proceeds of the life insurance policy to the Barnetts.

It is so **ORDERED**.

BY THE COURT:

*s/ Ronald L. Buckwalter*

RONALD L. BUCKWALTER, S.J.